

# Fill The Gap

## Annual Report 2012



*Court Services Division  
Administrative Office of the Courts  
Arizona Supreme Court*

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# **ARIZONA SUPREME COURT FILL THE GAP**

## **ANNUAL REPORT 2012**

### **CRIMINAL CASE REENGINEERING**

#### **Introduction**

Pursuant to A.R.S. § 12-102.01 (D), the Supreme Court reports annually “to the governor, the legislature, each county board of supervisors, the Joint Legislative Budget Committee and the Arizona Criminal Justice Commission on the progress of criminal case processing projects and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, sanctions and forfeitures.” Arizona Revised Statutes § 12-102.02 (D) also requires the Supreme Court to report annually on the expenditure of fund monies for the prior fiscal year and the progress made in improving criminal case processing.

Historically , federal, state and local governments made substantial investments in placing more police officers on the street and building more prisons. These efforts sought to increase public safety, but also created a backlog in the rest of the criminal justice system. In essence, funding targeted the front and back of the criminal justice system, creating a “gap”. Funding for those entities in the “gap” did not keep pace. The Fill the Gap initiative was intended to address this problem. In 1997, the Administrative Office of the Courts (AOC) convened a work group of stakeholders (superior court, clerk of superior court, justice courts, county attorney, public defender and indigent defense counsel) in the criminal justice system to develop a strategy to secure funding from the legislature to fund the "gap." The funding that resulted from this initiative continues to aid in the progress of accomplishing a number of improvements in criminal case processing throughout Arizona.

#### **Case Processing Standards**

Rule 8.2, Arizona Rules of Criminal Procedure, effective December 1, 2002 establishes timelines for processing criminal cases as follows: 1) For in-custody defendants, the time to disposition is within 150 days from the date of arraignment; 2) For out-of-custody defendants, the time to disposition is within 180 days from the date of arraignment; 3) If the case is categorized as complex, time to disposition is within 270 days from arraignment; and 4) For defendants charged with first degree murder in which the state has filed an intent to seek the death penalty, time to disposition is within 18 months from arraignment.

## **Funding Sources**

Arizona Revised Statutes § 41-2421, enacted in 1999, created three main funding sources for Fill the Gap efforts: a general fund appropriation; a seven percent Fill the Gap surcharge; and a five percent set-aside of funds retained by local courts when revenues exceed the 1998 benchmark. It should be noted that counties with populations exceeding 500,000 (Maricopa and Pima) have not been eligible for general fund appropriations since fiscal year 2005 as directed by legislation. During the 2008 fiscal year, the general fund appropriation was reduced from \$418,500 to \$150,000. In fiscal year 2009 the general fund appropriation was eliminated as directed by legislation.

The 7% surcharge earmarked for the courts is deposited in the State Aid to the Courts Fund pursuant to A.R.S. § 12-102.02, and administered by the AOC. The five percent set-aside of funds collected by the courts is kept and administered locally for local court use.

The Fill the Gap expenditures for fiscal year 2011 included \$2,649,631 from the State Aid to the Courts Fund. This money was disbursed to the counties that were approved for Fill the Gap. In addition, during fiscal year 2011, the Legislature swept \$52,500 from the balance within the State Aid to the Courts Fund.

## **County Project Overview**

As defined by statute, the purpose of the State Aid to the Courts Fund is to provide state aid to the superior court, including the clerk of the superior court and the justice courts in each county for the processing of criminal cases.

Within each county the presiding judge of the superior court, the clerk of the court and the presiding justice of the peace must develop a plan, in coordination with the chairman of the county board of supervisors or their designee that is submitted to the AOC. The proposed plan details how the funds will be used, how the plan will assist the county in improving criminal case processing and how each court entity will use the funds.

Counties may apply to use the funds for any purpose that improves criminal caseload. Solutions in each county are different due to varying constraints such as funding, caseload size, staffing, geographic constraints and interaction with local criminal justice agencies. Some of the less populous counties have chosen to allow funds to build over time until a balance of funds is sufficient to implement meaningful projects... The following is a list of accomplishments for the counties receiving Fill the Gap funds.

### **Apache County**

The Apache County Superior Court utilized a judge pro tem and field trainer to aid in criminal case processing. The judge pro tem assisted with existing caseloads and growing administrative duties for the Apache County Superior Court bench. Without this position, the court would have experienced significant delays in the processing of criminal cases. The field trainer was partially funded by FTG to provide local training to

superior, justice, and municipal court clerks in entering criminal cases into AZTEC and AJACS and monitoring the criminal calendar. The training and assistance provided by the field trainer continue to aid and educate limited and general jurisdiction staff in identifying the most efficient business processes and increasing the use of advanced automation systems. Funds were also used to support and maintain ACAP equipment used by the court to process criminal cases.

### **Cochise County**

Cochise County continues to focus on early case and data management to improve case processing and disposition times. In fiscal year 2012, Fill the Gap funds continued to support a superior court judge pro tem to manage the front end of the felony case processing system. The court's diligent and consistent effort with setting firm trial dates at the arraignment phase and case management conferences held 30 days thereafter, has contributed to effective case management. Fill the Gap funds also partially funded a presentence investigator. The presentence investigator completes presentence interviews and files presentence reports. Presentence reports are an important part of criminal case processing as the information is a useful resource for judges to complete sentencing hearings more efficiently.

### **Coconino County**

Coconino County operates DUI and drug specialty courts and continues to find these programs successful by reducing the rate of recidivism for alcohol and drug related cases in the superior court and justice courts. The operation of DUI and drug specialty courts including monitoring of DUI/Drug Court participants by the probation department is partially funded with Fill the Gap funds. The participants are high risk/high need defendants who receive intensive treatment, judicial oversight, alcohol/drug urinalysis tests, and probation supervision, and who participate in support groups. The DUI/drug court cases are regularly staffed to monitor compliance or non-compliance. During fiscal year 2012, DUI/Drug Court provided intensive treatment to 121 participants. Ninety-nine percent of the 5,207 urinalysis tests given during the fiscal year reflected no illicit substances. The percentage of participants re-arrested while still involved with the program was 8%.

### **La Paz County**

Fifty percent of the case filings in La Paz County are criminal cases and the court has been able to maintain case processing times with Fill the Gap funds by supporting personnel to aid in improving and expediting criminal case processing. Funds have supported an AZTEC/AJACS field trainer, pre-sentence investigator, network support technician and court operations personnel. The La Paz County field trainer provides standardized training to superior, justice, and municipal courts in entering criminal cases into the case management systems; monitors case aging reports; provides assistance in keeping and reporting statistics; and developing directives for data clean-up. The presentence investigator completed 105 pre-sentence reports, 98% of the time within the statutory time frame. The network support technician provided the technical knowledge and support to ensure the courts were able to maintain and provide accurate criminal case data monitoring and reporting in the superior court's case management system (CMS). This position also assisted with the preparation of the county strategic IT

plan and OnBase (electronic document management system) installation upgrades and updates as well as many other case management initiatives. This grant also funds an adult probation officer, bailiff and judicial assistant which support criminal case processing.

### **Maricopa County**

Maricopa County funds various personnel who aid in early case management and dedicated case processing. The court used Fill the Gap funds for criminal case processing by effectively evaluating offenders and by assigning cases for dedicated case processing. Advances were made in criminal case processing using Fill the Gap funds for resources which developed and maintained existing processes for felony case processing.

In collaboration with the Clerk's Office and Adult Probation, the Superior Court has managed to successfully develop through Fill the Gap funds the following programs to make progress with criminal case processing.

### **Reporting and Case Management**

- The presentence screener in Adult Probation assesses offender treatment needs and the risk of re-offending. The assessment information is passed to the probation officer to produce a presentence report and sentencing recommendation to support determination of an appropriate disposition which contributes to maintaining a lower continuance rate.
- A domestic violence officer was funded in Adult Probation to provide supervision for a caseload of high-risk domestic violence offenders. The probationers are monitored closely to prevent recidivism in the community and with victims.
- A probation officer is funded to supervise standard probationers and help with maintaining manageable caseloads. The probation officer enforces court orders, evaluates for treatment and educational needs and also monitors for substance abuse.
- The funded court liaison probation officer in Adult Probation organizes vital information to report to the court regarding probation violators on behalf of officers located throughout the valley. This position is a valuable resource in terms of efficiency and overall costs.
- The Clerk's Office continued using funds to support court clerks who perform mandated functions directly related to criminal case processing such as covering criminal calendars, recording court proceedings, transcribing notes, and recording and securing exhibits.
- The Clerk's Office also funded document and management staff to provide staff resources for case filing, docketing, scanning, and related document management processes.

## **Centralized and Dedicated Case Processing**

- Regional Court Centers provide a forum for centrally processing preliminary hearings, pleas, and felony arraignments. The three centers have received 22,808 new filings and sentenced 5,745 cases during this period.
- The Early Disposition Court received 15,755 new drug case filings and sentenced 4,635 cases during this period. The facility resolves most non-violent drug possession and use cases. The Master Calendar Commissioners and Judges hear cases not terminated in the EDC.
- In the Probation Adjudication Center over 11,566 revocation arraignment cases were processed during fiscal year 2012. During fiscal year 2012, calendar times were modified to allow stakeholders more time to meet clients, transport defendants, prepare for court and address sensitive court cases without interruption to other defendants or court observers.
- The Initial Appearance Court runs eight daily calendars continuously. The number of cases heard in fiscal year 2012 totaled 67,959.
- Post Conviction Relief (PCR) is a centralized unit within the Criminal department. They monitored 1,349 cases in fiscal year 2012. The PCR unit is also exploring web-based applications to allow court reporters to track the status of transcript requests and due dates.
- The Master Calendar, consisting of 6 Master Calendar Commissioners, heard over 42,943 matters which included Initial Pretrial Conference comprehensive pretrial conferences, non-witness violations, changes of plea, settlement conferences, sentencing and trials.
- The criminal information desk handled 50,329 phone calls, 19,661 walk in customers and 864 monolingual Spanish speaking customers during this reporting period.
- The Not-Guilty Arraignment (NGA) calendar heard 12,758 cases. Initial Appearance by Summons (IAS) heard 7,000 matters. The Bond Forfeiture (BF) calendar processed 1,288 matters, resulting in \$1,692,262 in bonds forfeited by the posting party during fiscal year 2012.

## **Mohave County**

Mohave County utilized funds to expedite criminal case processing by maintaining workflow. Fill the Gap funds were expended for various resources supporting criminal case processing including a court commissioner, judicial assistant, courtroom clerks and freelance court reporters. The Court Commissioner has enabled Mohave County to revise the case assignment system to redistribute heavy dockets. The clerks provided the additional resources needed for preparation, operation and to follow-up on court

activities. Freelance court reporters have provided greater flexibility for court divisions and court commissioner to cover criminal court proceedings as required by statute. Security was also funded during this fiscal year which provided protection during hearings, trials and court appearances as well as responding to disturbances in the court when necessary. These resources support and protect the court's efforts to improve workflow and case processing times.

### **Navajo County**

Navajo County courts have continued to utilize personnel to improve coverage for the court's criminal calendar which has reduced continuances and improved case-processing time to disposition. In fiscal year 2012, the court spent Fill the Gap funds for a judge pro tem, court reporter, casflow manager, court services director, an on-call interpreter and other court support personnel to assist in the criminal case processing effort. The judge pro tem conducted pretrial hearings, change of pleas and trials on criminal matters and the casflow manager provided the data tools to assist judges in decision-making on pending cases. The funded court services director in the justice court provides quality management data and monthly casflow management reports to the judges and staff with information on pending court proceedings and past continuances. The information provided by the casflow manager is used as a tool to maintain focus on time limits and DUI standards. Access to court reporters and back-up, on call interpreters, has aided case processing by providing more reliable coverage for the criminal calendar. Sixty-nine cases were aided by on-call interpreters. In fiscal year 2012, 62.7% of the criminal cases were disposed within 180 days and 5% were disposed in 100 days.

### **Pima County**

Pima County continues to improve technology through electronic data sharing to expedite criminal cases and reduce time to disposition by improving case evaluation and management to lessen the time between court events. Pima County FTG projects continue to improve timely notification of grand jury indictments to detention personnel and defendants, streamline presentence processing and minute entry distribution, improve criminal case disposition reporting, improve collections of fees and fines and utilize technology to enhance overall court operations to save time and money. In fiscal year 2011, 72% of the criminal cases were disposed within 180 days and 37% were disposed in 100 days. Pima County reports that judicial vacancies (just under 15%), a trial rate of 8% (as compared to the national average of 3%), and new prosecutors may have contributed to the number of cases disposed in 100 days.

Pima County continues to improve criminal case processing through various approaches with workflow and utilization of technology.

- The Pretrial Services Intake Unit of the Superior Court is responsible for screening all arrestees, conducting background investigations and submitting recommendations regarding each person's eligibility for non-financial release at the initial appearance. The information is reported to the judge for final review at the initial appearance. In fiscal year 2012, 99.5% of cases had a report filed with the court and were eligible according to the set guidelines.



- The Fill The Gap funded pro tem judicial division adjudicated 466 cases in FY12.
- The assessment center of the Adult Probation Department prepares presentence reports on all felony cases adjudicated in the Superior Court. The number of presentence reports conducted for fiscal year 2012, was approximately 127 per officer.
- Adult Probation Supervision in the Pima County Consolidated Justice court consists of two funded adult probation officers who are assigned to supervise justice court defendants convicted of DUI, extreme DUI and domestic violence offenses. Their responsibilities also include completing pre-sentence investigations and reports, ensuring defendant compliance with probation conditions, and preparing petitions to revoke and/or arrest probationers when required. The two officers supervised 698 individuals with a monthly case load averaging 342 persons in fiscal year 2012.
- Pima County Consolidated Justice Courts continued funding one of the five staff assigned to the Phone Team to handle incoming criminal and criminal traffic telephone inquiries. In fiscal year 2012, phone teams received 209,671 calls, 1,935 email inquiries, and placed 10,661 outbound calls in response to messages left in the IVR voicemail system. The Phone Team experienced a 22% increase in phone calls, making it even more valuable to retain a dedicated person to handle the criminal and criminal traffic workload. The huge increase in call volume also contributed to an increase in the call abandonment rate to 10%.
- The Pima County Consolidated Justice Court continued to fund a programmer analyst for technical programming support. This person is responsible for managing several projects in the court's MIS department to support case information management which is necessary for processing criminal cases. Some of the major contributions made during fiscal year 2012 include a jail receiving booking data system, new user application for court document creation, new application for MVD reporting, eCitations to the electronic data management system and new case management efforts.
- Pima County Consolidated Justice Courts utilized Fill the Gap funding to pay for a service agreement with the Sheriff's Department to process appearance bonds. A total of 1,505 appearance bonds totaling \$5,426,264 were collected for fiscal year 2012.
- Pima County Consolidated Justice Courts continued funding a dedicated Spanish language interpreter to provide interpreting services necessary to meet the demands of the court's criminal and DUI caseloads in fiscal year 2012. The interpreter provided services to 1,792 court events and coordinated ASL and other language interpreting services as needed. Since the use of an on-site, full-time interpreter cases flow more smoothly through the system due to better scheduling and management and therefore reducing delays in criminal case processing.

- A judicial security officer was assigned to the domestic violence specialty court to reduce the overall workload that was frequently placed on security staff. This position escorts detainees to the Pima County Sheriff's Department detention center and escorts victims to their vehicles when needed. The presence of a security officer in the courtroom helps reduce the likelihood of violence in situations where litigants are emotionally charged. In fiscal year 2012 the security officer performed 111 vehicle escorts, detained 153 individuals, responded to 181 requests for officer courtroom presence and 7 medical emergencies.
- Pima County Consolidated Justice Court, Green Valley Justice Court and Ajo Justice Court funded support for maintaining a twice-daily initial arraignment program held at the Pima County Jail in partnership with the Superior Court and Tucson City Court. During fiscal year 2012, 8,202 initial arraignments were conducted.
- The Clerk of the Superior Court's Probation Fine/Fee Billing program provides quarterly billing notices to ensure probationers submit payments in a timely manner. During fiscal year 2012, 7,509 probationers were billed and \$4,161,318.00 was collected. Continued funding of this project has improved criminal case processing times by reducing the number of probationers placed in the collections process.
- Pima County Consolidated Justice Court successfully acquired an OnBase electronic document management solution to convert documents from hard copies to digital images for easy and secure storage. This has expedited document retrieval and improved physical space in the court.
- The Clerk of the Court continued to utilize a case document processing center that organizes the distribution of minute entries, pre-sentence reports, and the imaging and storage of criminal case and other hard copy documents. The center expedites document delivery and reduces the costs of producing hard copies. In fiscal year 2012 the court was successful in processing court documents, within 4-6 hours of receipt.
- The clerk of the court processed over 3,590 criminal minutes entries weekly and has been successful with distributing them the same day. During fiscal year 2012, non-attorneys have been added the e-distribution system to receive minute entries.
- Green Valley Justice Court funding allowed completion of their Criminal Case Warrant Center and successfully eliminated their warrant backlog in fiscal year 2011. Warrants are now processed on a daily basis.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county as well as monitoring case aging reports. The field trainer continues to devote time to training staff with ongoing product enhancements.
- Green Valley Justice court received funding for a part-time position to assist with management of the criminal case backlog. This position has eliminated warrant reporting backlog for fiscal year 2012.

- Ajo Justice Court used Fill the Gap funds to maintain a service agreement for their digital, audio recording systems. The equipment improves the clarity of recorded audio for a more reliable account of court proceedings.
- Ajo Justice Court funded several technology courtroom and computer upgrades including software, audio recording equipment and computers to maintain service demands with criminal case processing.

### **Pinal County**

Pinal County supported use of a pre-arraignment Early Disposition Court (EDC) and the Probation Revocation Calendar Docket and experienced a positive outcome with expediting case disposition. The Early Disposition Court docket removes less complex and lower felony cases from traditional judicial dockets to a docket which sets firm limits on the number of court settings per case. In addition to EDC, Pinal County uses a Probation Revocation Calendar Docket, which removes probation revocation cases from the calendars of full time criminal court judges. To effectively manage and support this workload, Fill The Gap funds continued funding a portion of the salary and ERE for judge pro tems, judicial assistants, clerks and bailiffs for the superior court and clerk of court to maintain operations. In fiscal year 2012, 81.2% of the criminal cases were disposed of within 180 days and 64% in 100 days.

### **Santa Cruz County**

The Superior and Clerk of the Court in Santa Cruz County used fill the gap funds in fiscal year 2012 to expedite felony case processing by improving the allocation of court workload. Two judicial enforcement clerks handle various aspects relating to preparing and the follow-up of overdue payments and delinquent accounts. The Clerk of Court funded a criminal deputy clerk to cover all criminal matters for three local superior court judges and visiting judges assigned to Santa Cruz County on a weekly basis. The criminal clerk also serves as the Assistant Jury Commissioner and is responsible for all scheduling, calendar maintenance, questionnaires, and summoning of jurors for service and processing jury payments.

### **Yavapai County**

Yavapai County utilizes early disposition and post-adjudication DUI and drug court as a method to effectively manage non-violent adult offenders. There were 158 participants between Adult Drug Court and DUI Court for fiscal year 2012. In addition to the voluntary, post-adjudication drug court program, Fill the Gap funding provided part time pro tem judges, a caseload manager, court reporter and a program manager and supporting staff. The judge pro tem heard approximately 672 cases in fiscal year 2012. The caseload/program manager plays an integral role by providing accurate and timely case management reports to better assess criminal case processing. In addition, this position is dedicated to planning and implementing cost-effective technology solutions so courts may be responsive to changing business needs and demands.

## **Yuma County**

In Yuma County the focus has been on processing, collecting and analyzing criminal case data for effective criminal case management and to expedite criminal case processing. Fill the Gap Funds personnel whose primary responsibilities are to process criminal cases and to collect, analyze and report criminal case data. Yuma also continues to participate in a court performance measurement system initiative designed by the National Center for State Courts to improve and expedite criminal case processing.

## **Collections Efforts**

The Fines/Fees and Restitution Enforcement (FARE) and Debt Set-Off (DSO) statewide collection programs are continuing to provide successful results. Both programs are essential to the progress made in enforcing compliance court orders for Arizona.

During fiscal year 2003, the FARE program was established to increase compliance with court orders, specifically focusing on collection efforts. The AOC contracted with Affiliated Computer Services State and Local Solutions, now Xerox State and Local Solutions, to provide various collection options to Arizona courts. Collection services presently offered by Xerox include: reminder notices, electronic skip tracing, interactive voice recording (IVR) and Internet based (WEB) payment options, collection notices, credit bureau reporting, outbound collection calls and assignment to the Debt Setoff Program and/or the Motor Vehicle Division's Traffic Ticket Enforcement Assistance Program (TTEAP). Defendants whose cases have been referred to TTEAP are not able to re-register their vehicle until their court obligations are satisfied.

As a result of FARE, a total of \$45,503,051 was collected on backlog cases in fiscal year 2012. Over \$11 million was collected via the web and IVR. There were 47,948 vehicle registration holds placed and 44,455 releases due to payment. In fiscal year 2012, there were 171 participating courts in 15 counties.

The Debt Setoff (DSO) program was established in 1992 to hold offenders accountable for financial obligations owed, to assist in the enforcement of court orders, and to increase collections in the Arizona court system. The agency (such as the court, probation department or county attorney office) provides the name, social security number and the full amount of the debt to the DSO program and if a debt claim matches with a taxpayer's refund or lottery winning, an intercept will occur. During calendar year 2012, there were 202 participants in the Arizona Supreme Court's DSO program. During calendar year 2012, the DSO program had 87,268 tax and lottery interceptions, an increase of 1.2% from calendar year 2011. Revenue for calendar year 2012 totaled \$18,589,243. Note that this information is tracked by calendar year in keeping with the tax year.

## **Conclusion**

The AOC and participating counties work toward programs that consistently aid courts with implementing long term solutions to improve criminal case processing and the enforcement of court orders. Courts continue to experience growing criminal caseloads and in fiscal year 2012, Fill the Gap funding provided resources to advance technology

and streamline case processing. The courts continue to expedite case processing by enhancing court operations and technology. Collecting and analyzing criminal case data has proven to be effective with early case management and to improve workflow. Technology has been key to improving the court's access to more user-friendly data for all aspects of criminal case processing. The achievements made so far in Arizona mark significant progress towards achieving swift, fair justice through Arizona's justice system.

Timely criminal case disposition is critical to public safety, protection of victims' rights, restitution collection and addressing systemic issues, e.g., jail overcrowding, clogged court calendars, etc. Fill The Gap dollars help courts and justice agencies deliver best practices in all of these areas.